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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. CR 20-126 VC
17 Plaintiff,) STIPULATION REGARDING RESTITUTION
18 v.) AND ORDER
19 RICHARD HARTMAN,)
20 Defendant.)

21 The United States, by and through its counsel of record, and defendant Richard Hartman,
22 through his counsel of record, hereby stipulate as follows:

23 1. On October 26, 2020, the defendant pleaded guilty to possession of child pornography in
24 violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(4).

25 2. The victims from eight identified series of child pornography images, which were
26 possessed by the defendant in this case, have submitted requests for restitution. Specifically, the victims
27 are from the following series: one victim from the Model Sister series, one victim from the SpongeB
28 series, two victims from the PinkHeartSisters series, one victim from the Jenny series, one victim from
the Jessy series, one victim from the BluePillow1 series, one victim from the Tara series, and one victim
from the Sweet White Sugar series. As detailed in their victim impact statements and restitution

1 requests, these victims incurred losses as a result of the defendant's possession of child pornography
 2 depicting the victims. See 18 U.S.C. § 2259(b)(2)(A). Thus, these victims are statutorily entitled to
 3 restitution under the provisions of the Mandatory Victim Restitution Act of 1996, the Amy, Vicky, and
 4 Andy Child Pornography Victim Assistance Act of 2018 (the AVAA), and the Mandatory Restitution
 5 for Sexual Exploitation of Children Act of 1994.

6 3. Victim restitution is mandatory pursuant to 18 U.S.C. § 2259. In child pornography
 7 trafficking cases, the court shall determine the full amount of the victim's losses that were incurred or
 8 are reasonably projected to be incurred by the victim as a result of the defendant's crime, and then
 9 "order restitution in an amount that reflects the defendant's relative role in the causal process that
 10 underlies the victim's losses, but which is no less than \$3,000." 18 U.S.C. § 2259(b)(2). The court shall
 11 resolve any dispute as to the proper amount or type of restitution by a preponderance of the evidence,
 12 and the government bears the burden of demonstrating the amount of loss sustained by the victim. 18
 13 U.S.C. § 3664(e).

14 4. To conserve judicial resources, bring about a speedy resolution of this matter, and avoid
 15 further litigation, the parties agree that the Court, upon approval of this Stipulation, may enter with the
 16 judgment and sentence an order for restitution in the amounts set forth as follows:

Victim Series	Restitution Amount
Model Sister	\$3,000
SpongeB	\$3,000
PinkHeartSisters	\$3,000 for each victim (total of 2)
Jenny	\$3,000
Jessy	\$3,000
BluePillow1	\$3,000
Tara	\$0
Sweet Sugar White Pia	\$0

23 5. Government counsel has discussed this stipulation with the legal representatives of the
 24 victims who have requested and are entitled to restitution in this case. By and through their
 25 representatives, the victims have expressed that, notwithstanding their entitlement to a minimum
 26 restitution amount of \$3,000 per victim under the AVAA, 18 U.S.C. § 2259(e), they knowingly and
 27 voluntarily agree to accept the restitution amounts from the defendant as specified in paragraph 4 above.
 28

6. Defense counsel has discussed this stipulation with defendant, who agrees to pay restitution of \$200 per month while on supervised release until he has paid the total amount of restitution (\$21,000). If defendant's economic circumstances change, the probation office may petition the Court to have the monthly contribution amount increased. The parties agree that the Court should order interest waived on this restitution.

IT IS SO STIPULATED.

DATED: 5/4/2021

Respectfully submitted,

STEPHANIE M. HINDS
Acting United States Attorney

DATED: 5/4/2021

Respectfully submitted,

GEOFFREY A. HANSEN
Acting Federal Public Defender

Date: May 19, 2021

